

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) Case No.: 07-CR-788- LHK
v.) PRE-TRIAL CONFERENCE ORDER
Plaintiff,)
CHRISTOPHER SARIOL,)
Defendant.)

A pre-trial conference as to Defendant Sariol was held on April 25, 2012. Assistant U.S. Attorneys Jeffrey Nedrow and Jeffrey Schenk were present. Defendant Christopher Sariol was present with his counsel, Assistant Federal Public Defender Cynthia Lie.

The Court ordered the government to complete and produce FBI 302's as to James Hetrick and Dave Brown by 10 a.m. on April 26, 2012, and to produce contact information for Tracy Affeldt on April 25, 2012.

The Court set the following briefing schedule for Defendant Sariol's Fed. R. Evid. 402 and 403 objections to portions of the testimony of Kathy Matthews: Defendant's objections, not to exceed two pages, to be filed by 9:30 a.m. on April 26, 2012, and the government's response, not to exceed two pages, to be filed by 6 p.m. on April 26, 2012.

For the reasons stated on the record, the Court issued the following rulings on the following pre-trial motions:

United States' Motion in Limine #1 -- Motion to Preclude Defense References to "Missing" Co-Defendants: GRANTED.

United States' Motion in Limine #2 -- Admissibility of Co-Conspirator Statements: GRANTED.

United States' Motion in Limine #3 -- Admissibility of Plea Agreements of Cooperating Witnesses: GRANTED.

Defendants Sariol, Goldberg, and Aycock's Motion to Compel Complete Disclosure of Cooperating Witnesses' Statements in Plea Negotiations; DENIED.

Defendants Sariol, Goldberg, and Aycock's Motion to Exclude Hearsay Evidence of Estimated Activity at National Moving Network: DENIED as to co-conspirator statements. Regarding customer complaints and statements, the parties agreed to meet and confer regarding, and Defendant Sariol agreed to identify in a Court filing by 11 a.m. on April 26, 2012, the specific customer complaints and statements in dispute.

Defendants Sariol and Goldberg's Motion in Limine to Exclude Final Weight Quantitation Pursuant to Fed. R. Evid. 403: DENIED

Defendant Sariol's Motion for Leave to File Motion for Reconsideration of Order Denying Sariol's Renewed Motion to Dismiss; DENIED

1 As set forth on the record, the parties were still attempting to resolve computer imaged hard
2 drive production issues. Accordingly, a further pre-trial conference was set for April 26, 2012 at
3 3:30 p.m.

4 **IT IS SO ORDERED.**

5 Dated: April 30, 2012

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LUCY H. KOH
United States District Judge